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MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING,

(In pursuance of a Resolution of the Senate of the 25th inst.)

SUNDRY PAPERS RELATIVE TO

The Recognition of the Independence

OF

THE SOUTH AMERICAN COLONIES.

APRIL 26, 1822.

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TO THE SENATE OF THE UNITED STATES:

I transmit to the Senate, agreeably to their resolution of yesterday, a report from the Secretary of State, with copies of the papers requested by that resolution, in relation to the recognition of the South American Provinces.

JAMES MONROE.

WASHINGTON, 26*th April*, 1822.

DEPARTMENT OF STATE,
25th April, 1822.

The Secretary of State, to whom has been referred a resolution of the Senate, of this day, requesting the President to communicate to the Senate any information he may have, proper to be disclosed, from our Minister at Madrid, or from the Spanish Minister resident in this country, concerning the views of Spain relative to the recognition of the Independence of the South American Colonies, and of the Dictamen of the Spanish Cortes, has the honor to submit to the President copies of the papers particularly referred to.

JOHN QUINCY ADAMS.

ENCLOSURES.

The Spanish Minister to the Secretary of State, 9th March, 1822. (Translation.)
Secretary of State to the Spanish Minister, 6th April, 1822.
Spanish Minister to the Secretary of State, 11th April, 1822.
Mr. Forsyth to the Secretary of State, 14th February, 1822. (Extract.)
Dictamen of the Cortes, 12th February, 1822.

[TRANSLATION.]

Don Joaquin de Anduaga to the Secretary of State.

WASHINGTON, *March* 9, 1822.

SIR: In the National Intelligencer of this day, I have seen the message sent by the President to the House of Representatives, in which he proposes the recognition, by the United States, of the insurgent governments of Spanish America. How great my surprise was, may be easily judged by any one acquainted with the conduct of Spain towards this Republic, and who knows the immense sacrifices which she has made to preserve her friendship. In fact, who could think, that, in return for the cession of her most important provinces in this hemisphere; for the forgetting of the plunder of her commerce by American citizens; for the privileges granted to their navy; and for as great proofs of friendship as one nation can give another, this Executive would propose that the insurrection of the ultra marine possessions of Spain should be recognized? And, moreover, will not his astonishment be augmented to see that this power is desirous to give the destructive example of sanctioning the rebellion of provinces which have received no offence from the mother country, to those to whom she has granted a participation of a free constitution, and to whom she has extended all the rights and prerogatives of Spanish citizens? In vain will a parallel be attempted to be drawn between the emancipation of this Republic, and that which the Spanish rebels attempt; and history is sufficient to prove, that if a harassed and persecuted province has a right to break its chains, others, loaded with benefits, elevated to the high rank of freemen, ought only to bless and embrace more closely the protecting country which has bestowed such favors upon them.

But even admitting that morality ought to yield to policy, what is the present state of Spanish America, and what are its governments, to entitle them to recognition? Buenos Ayres is sunk in the most complete anarchy, and each day sees new despots produced, who disappear the next. Peru, conquered by a rebel army, has near the gates of its capital another Spanish army, aided by part of the inhabitants. In Chili, an individual suppresses the sentiments of the inhabitants, and his violence presages a sudden change. On the coast of Firma, also, the Spanish banners wave, and the insurgent generals are occupied in quarrelling with their own compatriots, who prefer taking the part of a free power, to that of being the slave of an adventurer. In Mexico, too, there is no government, and the result of the questions which the chiefs commanding there have put to Spain is not known. Where, then, are those governments which ought to be recognized? Where the pledges of their stability? Where the proof that those provinces will not return to a union with Spain, when so many of their inhabitants desire it? And, in fine, where the right of

the United States to sanction and declare legitimate a rebellion, without cause, and the event of which is not even decided?

I do not think it necessary to prove, that if the state of Spanish America were such as it is represented in the message; that if the existence of its governments were certain and established; that if the impossibility of its re-union with Spain were so indisputable; and that if the justice of its recognition were so evident, the powers of Europe, interested in gaining the friendship of countries so important for their commerce, would have been negligent in fulfilling it. But, seeing how distant the prospect is of even this result, and faithful to the ties which unite them with Spain, they await the issue of the contest, and abstain from doing a gratuitous injury to a friendly government, the advantages of which are doubtful, and the odium certain. Such will be that which Spain will receive from the United States, in case the recognition proposed in the message should take effect; and posterity will be no less liable to wonder, that the power which has received the most proofs of the friendship of Spain, should be the one delighted with being the first to take a step which could have only been expected from another that had been injured.

Although I could enlarge upon this disagreeable subject, I think it useless to do so, because the sentiments which the message ought to excite in the breast of every Spaniard can be no secret to you. Those which the king of Spain will experience, at receiving a notification so unexpected, will be doubtless very disagreeable; and at the same time that I hasten to communicate it to his majesty, I think *it my duty to protest, as I do solemnly protest, against the recognition of the governments mentioned, of the insurgent Spanish provinces of America, by the United States, declaring that it can in no way, now, or at any time, lessen or invalidate in the least the right of Spain to the said provinces, or to employ whatever means may be in her power to re-unite them to the rest of her dominions.*

I pray you, sir, to be pleased to lay this protest before the President; and I flatter myself, that, convinced of the solid reasons which have dictated it, he will suspend the measure which he has proposed to Congress, and that he will give to his Catholic majesty this proof of his friendship and of his justice.

I remain, with the most distinguished consideration, praying God to guard your life many years, your most obedient humble servant,

JOAQUIN DE ANDUAGA.

JOHN QUINCY ADAMS,
Secretary of State.

The Secretary of State to the Minister from Spain.

DEPARTMENT OF STATE,

Washington, 6th April, 1822.

SIR: Your letter of the 9th of March was, immediately after I had the honor of receiving it, laid before the President of the United States, by whom it has been deliberately considered, and by whose direction I am, in replying to it, to assure you of the earnestness and sincerity with which this government desires to entertain and to cultivate the most friendly relations with that of Spain.

This disposition has been manifested not only by the uniform course of the United States in their direct political and commercial intercourse with Spain, but by the friendly interest which they have felt in the welfare of the Spanish nation, and by the cordial sympathy with which they have witnessed their spirit and energy, exerted in maintaining their independence of all foreign control, and their right of self-government.

In every question relating to the independence of a nation, two principles are involved, one of *right* and the other of *fact*. The former, exclusively, depending upon the determination of the nation itself, and the latter resulting from the successful execution of that determination. This right has been recently exercised, as well by the Spanish nation in Europe, as by several of those countries in the American hemisphere, which had for two or three centuries been connected as colonies with Spain. In the conflicts which have attended these revolutions, the United States have carefully abstained from taking any part respecting the right of the nations concerned in them to maintain or new organize their own political constitutions, and observing, wherever it was a contest by arms, the most impartial neutrality. But the civil war in which Spain was for some years involved with the inhabitants of her colonies in America, has, in substance, ceased to exist. Treaties equivalent to an acknowledgment of independence have been concluded by the commanders and Vice Roys of Spain herself, with the Republic of Colombia, with Mexico and with Peru; while, in the provinces of La Plata and in Chili, no Spanish force has for several years existed to dispute the independence which the inhabitants of those countries had declared.

Under these circumstances, the government of the United States, far from consulting the dictates of a policy questionable in its morality, has yielded to an obligation of duty of the highest order, by recognizing as independent states nations, which, after deliberately asserting their right to that character, had maintained and established it against all the resistance which had been or could be brought to oppose it. This recognition is neither intended to invalidate any right of Spain, nor to affect the employment of any means which she may yet be disposed or enabled to use, with the view of re-uniting

those provinces to the rest of her dominions. It is the mere acknowledgment of existing facts, with the view to the regular establishment with the nations newly formed, of those relations, political and commercial, which it is the moral obligation of civilized and christian nations to entertain reciprocally with one another.

It will not be necessary to discuss with you a detail of facts upon which your information appears to be materially different from that which has been communicated to this government, and is of public notoriety; nor the propriety of the denominations which you have attributed to the inhabitants of the South American provinces. It is not doubted, that other and more correct views of the whole subject will very shortly be taken by your government, and that it, as well as the other European governments, will shew that deference to the example of the United States, which you urge it as the duty or the policy of the United States to shew to theirs. The effect of the example of one independent nation upon the councils and measures of another can be just, only so far as it is voluntary; and as the United States desire that their example should be followed, so it is their intention to follow that of others upon no other principle. They confidently rely that the time is at hand when all the governments of Europe friendly to Spain, and Spain herself, will not only concur in the acknowledgment of the independence of the American nations, but in the sentiment, that nothing will tend more effectually to the welfare and happiness of Spain, than the universal concurrence in that recognition.

I pray you, sir, to accept the assurance of my distinguished consideration.

JOHN QUINCY ADAMS.

Don Joaquin de Anduaga,
Envoy Extraordinary, &c.

[TRANSLATION.]

Don Joaquin de Anduaga to the Secretary of State.

PHILADELPHIA,
11*th of April*, 1822.

SIR: I had the honor of receiving your note of the 6th instant, in which you were pleased to inform me that this government has recognized the independence of the insurgent provinces of Spanish America. I despatched immediately to Spain one of the secretaries of this legation, to carry to his majesty news as important as unexpected; and until I receive his royal orders upon the subject, I have only to refer to my protest of the 9th of March last, still insisting upon its contents, as if its substance were repeated in the present note.

With the greatest respect, I renew the assurance of my distinguished consideration.

JOAQUIN DE ANDUAGA.

Extract of a letter from Mr. Forsyth to the Secretary of State, dated

MADRID, 14*th of February*, 1822,

"I have the honor to enclose to you a hurried translation of the last Dictamen of the commission of the Cortes on the affairs of Spanish America, and the determinations made by that body."

Dictamen of the commission to whom it was referred to report on the state of the provinces of Ultramar, presented February 12, 1822.

The commission has meditated maturely and circumspectly on the proposition of the minister of Ultramar, and, after having heard him, has considered the diverse circumstances in which the provinces of both Americas are at present, and may be found hereafter, the fruitlessness and inefficacy of the commissions that have been directed to the government established in them, and possessed with the noble desire that the same may not again, with the waste of public treasure, and the sacrifice of humanity, occur, is of opinion that the Cortes ought not to lose time in considering the proposition of the ministry, since it will be a consequence of the results; and, in order to obtain them, the government, and the commissioners it elects, ought to be authorized to hear and to transmit to the legislative power every class of propositions, be they what they may; at the same time, it judges that the national decorum, and the protection which in justice is due to the European and American Spaniards, call for the establishment of a basis useful and conducive to the welfare of the Spains.

Before fixing this basis, and that it may be as productive to the common felicity as policy and the national honor require, the commission lays down the fixed principle, that this new, grand, and legitimate path for pacific communications being opened, all treaties be esteemed of no value nor efficacy that have been formed between Spanish chiefs and American governments, which ought to be understood as null, as they have been from their origin, as respects the acknowledgment of independence, inasmuch as they were not authorized, nor could such authority be given them, unless by previous declaration of the Cortes.

The commissioners may hear all the propositions that may be made to them, in order to transmit them to the metropolis, excepting such as take away, or limit in any manner, the absolute right of the European and American Spaniards, residing in whatever part of the ultramarine provinces, to remove and dispose of their persons, families, and property, as they may think proper, without being opposed by any obstacle or measure that might prove injurious to their for-

tunes. With this explanation the commission reproduces its anterior dictamen; and the Cortes will resolve what may be most proper.

ESPIGA,
CUESTA,
ALVAREZ ESCUDEN.
TORENO,
MOSCOSO,
OLIVER,
MURPHY,
NAVARETTE,
PAUL.

The particular vote of the Senor Oliver proposes to add the following clause to the dictamen:

"That it ought to be understood as not affecting the responsibility which persons, whoever they may be, may have incurred in this affair, nor the rights of the Spanish nation represented by the Cortes and the King."

The particular vote of the Senors Moscoso, Toreno, and Espiga, proposes the following additions to the dictamen:

"1st. That the Cortes declare that the treaty called that of Cordova, celebrated between General O'Donojou and the chief of the dissidents in New Spain, Don Augustin Iturbide, as well as any other act or stipulation relative to the recognition of Mexican independence by that General, are illegitimate, and null in their effects as to the Spanish government and its subjects.

"2d. That the Spanish government, by a declaration to all others with which it has friendly relations, make known to them, that the Spanish nation will regard, at any epoch, as a violation of the treaties, the recognition, either partial or absolute, of the independence of the Spanish provinces of Ultramar, so long as the dissensions, which exist between some of them and the metropolis, are not terminated, with whatever else may serve to convince foreign governments, that Spain has not yet renounced any of the rights belonging to it in those countries."

"3d. That the government be recommended to take all possible measures, without any delay, to preserve and re-inforce those points of the provinces of Ultramar that remain united to the metropolis, obedient to its authority, or that resist the separation from it by the dissidents; proposing to the Cortes the resources it requires, and are not at its disposal."

"4th. That the Cortes declare, that the provinces of Ultramar, that have declared their independence of the metropolis, or do not acknowledge, *de facto*, the supremacy of the government of it, ought not to have deputies in the Cortes, during their continuance in this state."

The additional vote of Senors Murphy, Navarrete, and Paul, to the anterior dictamen, states, that it is their opinion, that, in case of the approbation by the Cortes of the dictamen of the Commission,

they should not approve the additional votes presented by some individuals of it, as being contrary to the ends proposed by the same Commission, but should put in execution the measures included in the dictamen without delay, without prejudice to what the ordinary Cortes may opportunely resolve upon, whatever else they may esteem convenient.

After a short discussion, whether the dictamen should be discussed by itself, or with the additional votes, it was determined that the dictamen of the Commission should be first discussed. During the discussion, propositions to the following effect were presented by the Senor Solanot, viz:

"That the Cortes, with a generosity peculiar to the constitutional system by which we are governed, and for the general interest of the Spaniards of both worlds, declare the independence of all those provinces of both Americas, that actually are so at this day, on condition that each one of those governments pay an annual subsidy in recompense of the rights which are renounced; that a treaty of commerce be formed on the basis most convenient to the reciprocal interests of the American and peninsular Spaniards; that all hostilities be completely suspended, until this treaty is completely approved; that all the Spaniards who may wish to retire to the peninsula may do so freely, with all the funds belonging to them, without being obliged to pay any duty whatever; that any Spaniard who wishes to live in America shall have preserved to him the enjoyment of all his rights and property; that every Spaniard who may have been deprived of his property and of his rights, in consequence of the anterior disturbances, shall be reinstated in them; that all the wealth and property belonging to European Spain shall remain at its disposal, and be removed to the peninsula at the expense of America; that all the troops that are actually in America, belonging to European Spain, shall be maintained in the same points at the cost of the American government, until the ratification of this treaty; that European Spain may dispose of the naval force it has in America; and that there be established a confederation composed of the American governments, under the protection of European Spain, upon the bases that may be most convenient, and guarantied as may be accorded."

Senor Munoz Torrero demanded, that the author of these propositions should withdraw them immediately, as he had no powers to authorize his making them, or if be had, to exhibit them. The Cortes accorded, that these propositions should be withdrawn, as contrary to the power given to them by the constitution.

After considerable discussion, the Cortes approved of the dictamen as proposed by the Commission.

On the following day the particular votes were discussed, and decided as follows:

That of Senor Oliver was not admitted to a vote.

That of Senors Moscoso, Espiga, and Toreno, the three first articles approved, and the fourth withdrawn by its author.

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